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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1996

BEFORE :

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION No.29099/1996

Between :

1. The Executive Engineer,
Irrigation Department,
Canal No.3, Division,
Sindhnoor.

2. The Asst.Executive Engineer,
No.4, Canal Sub-Division,
Maski-584 124
Dist: Raichur.

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.. Petitioners

(By Sri.K.H.Jagadish, HCGA)

And :

1. Raghavendra s/o Purushotham
Katti, occ: Ex Workman,
R/o Maski, Tq: Lingasugur,
Dist: Raichur.

2. The Presiding Officer,
Labour Court, Gulbarga.

.. Respondents

(By Sri.Sharanabasappa Mattur, Advocate
for R-1)

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This Writ Petition is filed under Articles
226 & 227 of the Constitution of India praying to
quash Annex.A dated 9.1.1995 by R2.

This Writ Petition is coming on for orders
this day, the Court made the following :

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ORDER

In this Writ Petition under Articles 226 & 227 of the Constitution, the petitioners-employers seek quashing of the award of the Labour Court, Gulbarga, dated 9.1.1995 at Annexure-'A', by which the 1st respondent-workman is directed to be reinstated in service to the post that he held at the time of termination of his service with 50% of back wages from the date of claim petition.

2. The 1st respondent raised an industrial dispute, that came to be referred to the Labour Court, Gulbarga, under Section 10 (1)(c) of the Industrial Disputes Act, 1947 ('Act' for short) contending that, he had continuously worked as Graduate Literate Mazdoor on daily wages of Rs.16/per day from 1.5.1984 to 31.3.1985 and that on 31.3.1985, his services came to be terminated without compliance with Section 25-F of the Act. On the basis of the evidence, both oral and documentary and particularly in the light of Ex.W-1 Service Certificate issued by the employers themselves, the Labour Court has found on facts that the 1st respondent has put in continuous service within the

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meaning of Section 25-B and that there is no compliance within the meaning of Section 25-F of the Act. Having regard to the evidence on record, this finding on facts as reached by the Labour Court cannot be called perverse. The Labour Court has, therefore, rightly directed reinstatement of the 1st respondent and even back wages were awarded only from the date of claim petition and that too, to the extent of 50%.

3. There is no infirmity in the impugned award. Writ Petition is dismissed.

4. The 1st respondent shall be reinstated within two months and shall be paid back wages within four months in terms of the award from the date a certified copy of this order is made available to the petitioners.



Sd/-
JUDGE